

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

RAYMOND A. WEBB

*

Plaintiff,

*

vs.

*

CASE NO. 3:05-CV-78 (CDL)

HARBOR CLUB, INC.

*

Defendant.

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O R D E R

Plaintiff has sued Defendant under the federal Age Discrimination in Employment Act ("ADEA"). Defendant filed a Motion for Summary Judgment (Doc. 19), preliminarily contending that Defendant was not Plaintiff's employer and therefore cannot be liable under the ADEA. Plaintiff has filed no response to Defendant's motion. Since the uncontested affidavits filed by Defendant in support of its motion establish that Defendant was not Plaintiff's employer, Defendant's motion must be granted. See *Nance v. Maxwell Fed. Credit Union*, 186 F.3d 1338, 1342 (11th Cir. 1999) (noting that liability under the ADEA "is limited to 'employers[.]'"). Accordingly, summary judgment is granted in favor of Defendant. The Court declines to exercise jurisdiction over Plaintiff's remaining state law claims, and therefore, those claims are dismissed without prejudice.

IT IS SO ORDERED, this 5th day of March, 2007.

S/Clay D. Land

CLAY D. LAND
UNITED STATES DISTRICT JUDGE